IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1870 OF 2005

Jeevan S. Sharma ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. M.P. Mishra, Advocate for Petitioner

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of MECR No. 12 of 2004 registered by L.T. Marg police Station. The said case is numbered as case No. 344/M/2004 and which is pending before the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai. The said case is mainly for criminal breach of trust.

3. The learned advocate for the petitioner has submitted that the petitioner and the complainant i.e. the respondent No.3 Mr. Ramnarayan Nathamalji Somani, have amicably settled the dispute and that

the complainant does not wish to proceed with his complaint. In fact the complainant has written a letter to L.T. Marg police station to that effect. The said letter has been received by the said police station on 31.3.2005. The learned A.P.P. on instructions from the Investigating Officer in the said case, has stated that the said letter has been verified and enquiries have been made with the complainant. The complainant has stated that he has no grievance against the petitioner and he does not wish to prosecute his complaint.

4. Looking to the fact that the dispute has been amicably settled between the parties and the fact that the complainant does not wish to pursue his complaint, I am of the opinion that no purpose would be achieved by continuing the prosecution. In this view of the matter the MECR No.12 of 2004 and the case No.344/M/2004 and the proceedings relating thereto are quashed.

5. Writ petition is disposed of.

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